

04-P-0523
(Do Not Write Above This Line)

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

A RESOLUTION TO SUPPORT HB 762
WHICH PROPOSES TO CHANGE
CERTAIN PROVISIONS RELATING TO
LANDLORD AND TENANT IN
REMOVING ABANDONED "BULKY
ITEMS" AFTER THE TERM IS ENDED;
AND FOR OTHER PURPOSES.

A RESOLUTION BY COUNCIL MEMBER
CEASAR C. MITCHELL

ADOPTED BY

MAR 1 5 2004

Adopted by
Full Council
3/15/04
COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

Referred To:

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Refer To

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Other

Members

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Refer To

Refer To

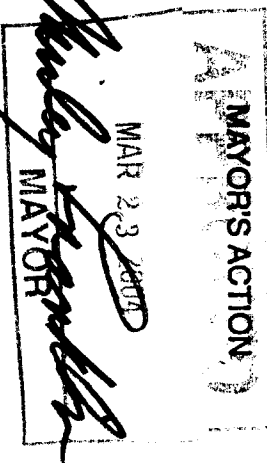
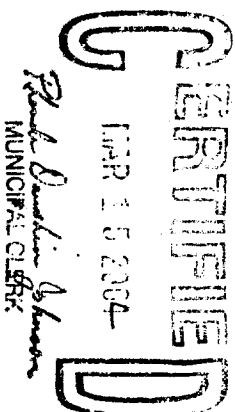
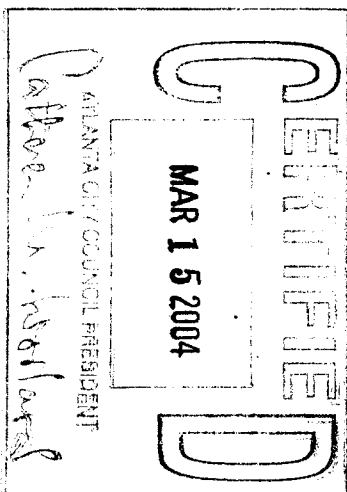
CERTIFIED

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote





A RESOLUTION BY

04-R -0523

COUNCIL MEMBER CEASAR C. MITCHELL

A RESOLUTION TO SUPPORT HOUSE BILL 762 WHICH PROPOSES TO CHANGE CERTAIN PROVISIONS RELATING TO LANDLORD AND TENANT IN REMOVING ABANDONED "BULKY ITEMS" AFTER THE TERM IS ENDED; AND FOR OTHER PURPOSES.

WHEREAS, House Bill 762 proposes to regard tenant fixtures and furnishings including "bulky items," or other goods abandoned by the tenant in the public right of way, after the term is ended, as abandoned for the use of the landlord and to treat these items as the landlord's property; and

WHEREAS, House Bill 762 further prohibits Landlords from disposing of such items by placing them in the public right-of-way after effectuating an eviction; and

WHEREAS, the City of Atlanta has the responsibility to maintain a clean, safe and healthy environment for its residents, and

WHEREAS, the disposal of bulky items and other tenant fixtures, furnishings and goods in the right-of-way place tremendous burden on the City of Atlanta, and result in substantial sanitation, environmental and health hazards which lead to filthy and unclean streets and properties in our City's neighborhoods and communities.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the Atlanta City Council supports **House Bill 762**, and urges the 2004 Georgia General Assembly to adopt **HB 762**, a copy of which is hereby attached.

SECTION 2: That the Municipal Clerk is hereby directed to forward copies of this Resolution to the Governor, Lieutenant Governor and all members of the 2004 Georgia General Assembly

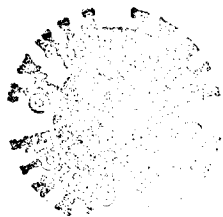
A true copy,

Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

March 15, 2004

March 24, 2004



House Bill 762

By: Representatives Floyd of the 69th, Post 2, and Marin of the 66th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
2 landlord and tenant, so as to change certain provisions relating to removal of trade fixtures
3 during term and when property is abandoned; to change certain provisions relating to
4 judgment, writ of possession, landlord's liability for wrongful conduct, and distribution of
5 funds paid into court; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to landlord and
9 tenant, is amended by striking Code Section 44-7-12, relating to removal of trade fixtures
10 during term and when property is abandoned, and inserting in lieu thereof the following:
11 "44-7-12.

12 During the term of his or her tenancy or any continuation thereof or while he or she is in
13 possession under the landlord, a tenant may remove trade fixtures erected by him or her.
14 After the term and his or her possession are ended, any trade fixtures or other goods of the
15 tenant remaining will be regarded as abandoned for the use of the landlord and will become
16 the landlord's property."

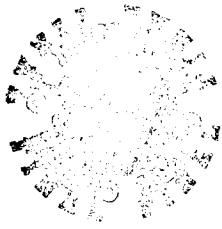
17 SECTION 2.

18 Said chapter is further amended in Code Section 44-7-55, relating to judgment, writ of
19 possession, landlord's liability for wrongful conduct, and distribution of funds paid into
20 court, is amended by striking subsection (a) and inserting in lieu thereof the following:

21 "(a) If, on the trial of the case, the judgment is against the tenant, judgment shall be entered
22 against the tenant for all rents due and for any other claim relating to the dispute. The court
23 shall issue a writ of possession, both of execution for the judgment amount and a writ to
24 be effective at the expiration of seven days after the date such judgment was entered,
25 except as otherwise provided in Code Section 44-7-56. Such writ of possession shall

H. B. 762

- 1 -



1 authorize the removal of the tenant's goods from the premises and the placement of the
2 same on some other portion of the landlord's property but not on the street or sidewalk;
3 provided, however, that the landlord shall not be a bailee of such goods and shall owe no
4 duty to the tenant regarding such goods other than not to willfully destroy or damage such
5 goods."

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.

RCS# 5580
3/15/04
7:26 PM

Atlanta City Council

Regular Session

PERSONAL

COUNCILMEMBER MITCHELL
TO SUPPORT HB 762
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 2

Y Smith	Y Archibong	E Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

PERSONAL

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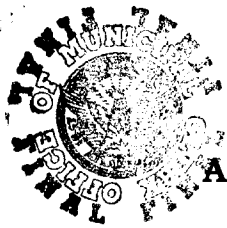
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